

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BECAYE KANTE,

Plaintiff,

CASE NO. 07-CV-13615

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

DETROIT NEWSPAPER
AGENCY,

Defendant.

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**ORDER DENYING
PLAINTIFF'S SECOND MOTION FOR APPOINTMENT OF COUNSEL**

On January 11, 2008, Plaintiff filed a second Motion for Appointment of Counsel. (Doc. No. 11). This Court previously denied without prejudice Plaintiff's original motion on August 31, 2007. In the instant motion, Plaintiff asserts that he has made twenty-one (21) phone calls to attorneys, but "ten of them claimed to have an over-load work; and wanted to be paid in advance thousand and thousands of dollars before they start reviewing my case." (Pl. Br. 1). As to the other eleven, Plaintiff claims that they "promise[d] to get back with [him]; but never did follow up their promising statements. (*Id.* at 2).

Section 1915(e)(1) of Title 28 United States Code states that "[t]he court may request an attorney to represent any person unable to afford counsel." "[A]ppointment of counsel in a civil case is a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir.1987).

Plaintiff is not claiming that he cannot afford counsel – rather he is asking the Court to appoint him counsel because the attorneys whom he has contacted either have not contacted him

back, or want excessive upfront fees before reviewing his case. Neither of these reasons appear to be proper bases for the appointment of counsel under § 1915(e)(1).

Therefore, the Court **DENIES** Plaintiff's motion.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: February 7, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 7, 2008.

s/Denise Goodine
Case Manager